

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAM J. NEALON FEDERAL BLDG. & U.S. COURTHOUSE
235 N. WASHINGTON AVE., P.O. BOX 856
SCRANTON, PA 18501-0856
Chambers_of_Judge_Edwin_M._Kosik@pamd.uscourts.gov

EDWIN M. KOSIK
JUDGE

TEL. (570) 207-5730
FAX (570) 207-5739

August 23, 2007

Michael Curtis Reynolds
Lackawanna County Prison
1371 North Washington Avenue
Scranton, PA 18509

***RE: United States v. Michael Reynolds
MDPA; Criminal No. 3:CR-05-493***

Dear Mr. Reynolds:

In response to your most recent correspondence, we spoke with Attorney David Cherundolo and asked if he could meet with you to determine if he will be appointed as your standby counsel since you continue to persist in wanting to represent yourself. He contacted the court and said he had a cordial meeting with you and is in the process of acquiring whatever you need pursuant to your discussions with him.

There remain a number of other matters which I wish to take up with you. First, on July 20th, Attorney O'Brien filed a motion to withdraw and also to extend time for you to file post-trial motions to August 20, 2007. The docket reflects that on July 24th, you filed two motions for acquittal because the evidence did not support the verdict of guilty and that your due process rights were denied.

You filed a notice of appeal on July 23rd and on July 31st; the first under §2255, and the second, an appeal to the Third Circuit Court of Appeals. With respect to the latter, this court filed an opinion with an appropriate citation that your §2255 motion was premature since you have not been sentenced. We understand that the United States Court of Appeals has acknowledged your appeal but also tells you it is premature since you have not been a subject of a judgment of sentence.

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On August 9th, you filed a motion for arrest of judgment which incidentally must be filed within seven days after the verdict. Regardless, its purpose is attacking the illegality of the prosecution. In the same context, on August 13th, you filed a habeas corpus ad "testimonium" which is directly related to your motions for arrest of judgment. You seek to give testimony on the question of venue and prosecutorial misconduct. Of course, these are matters for appeal.

Under the circumstances outlined above, your outstanding motions are without merit at this time. I know you disagree with everything we do, but this will all have to be reviewed by some appellate court sometime in the future.

Sincerely,

s/Edwin M. Kosik
United States District Judge

EMK:mb
cc: David Cherundolo, Esquire